

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

STATE OF TEXAS,

*Plaintiff,*

v.

The UNITED STATES OF AMERICA;  
DAVID PEKOSKE, Acting Secretary of the  
United States Department of Homeland  
Security, in his official capacity; UNITED  
STATES DEPARTMENT OF HOMELAND  
SECURITY; TROY MILLER, Senior Official  
Performing the Duties of the Commissioner of  
U.S. Customs and Border Protection, in his  
official capacity; U.S. CUSTOMS AND  
BORDER PROTECTION; TAE JOHNSON,  
Acting Director of U.S. Immigration and  
Customs Enforcement, in his official capacity;  
U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT; TRACY RENAUD,  
Senior Official Performing the Duties of the  
Director of the U.S. Citizenship and  
Immigration Services, in her official capacity;  
U.S. CITIZENSHIP AND IMMIGRATION  
SERVICES,

*Defendants.*

Civ. Action No. 6:20-cv-00003

**APPENDIX IN SUPPORT OF  
TEXAS'S MOTION FOR A PRELIMINARY INJUNCTION**

**EXHIBIT 13**

**DECL. OF L. KALAKANIS**



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

VICTORIA DIVISION

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STATE OF TEXAS,

*Plaintiff,*

v.

UNITED STATES OF AMERICA, *et al.*,

*Defendants.*

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Civ. Action No. 6:20-cv-00003

**DECLARATION OF LISA KALAKANIS**

My name is Lisa Kalakanis, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am serving as the Interim Director of the Texas Health and Human Services Commission's Center for Analytics and Decision Support (CADS). The Texas Health and Human Services Commission (HHSC) is the state agency responsible for ensuring the appropriate delivery of health and human services in Texas. As such, HHSC has operational responsibility for certain health and human services programs and oversight authority over the state health and human services (HHS) agencies.

2. As a part of my employment with HHSC, I am responsible for analytic and quantitative research on health care utilization, demographic trends, and enrollment patterns for the state's health care and human service programs, including Medicaid. I am also responsible for program evaluation activities and analytic support across all of the HHS agencies and



programs.

3. I have served as Interim CADS Director since September 1, 2020. I also serve as the Director for the Data Dissemination Unit within CADS.

4. This declaration was first prepared by Monica Smoot, then Chief Data and Analytics Officer for the Texas Health and Human Services Commission's Center for Analytics and Decision Support (CADS). Ms. Smoot retired from the agency in August 2020. The data contained in this declaration is true and correct.

5. In 2007, as part of the 2008-2009 General Appropriations Act, the Texas Legislature required HHSC to report the cost of services and benefits provided by HHSC to undocumented immigrants in the State of Texas. This report, also known as the Rider 59 Report, was first completed by HHSC in 2008. Due to numerous requests for more recent information following the issuance of the 2008 report, the Rider 59 Report was updated in 2010, 2013, 2014 and 2017. The Rider 59 Report completed in 2017 covered state fiscal year (SFY) 2015.

6. Attached to this declaration are true and current copies of the following documents:

- Exhibit 1: SFY07 Report on Services and Benefits Provided to Undocumented Immigrants, the original version of the Rider 59 Report prepared by HHSC in 2008.
- Exhibit 2: SFY09 Report on Services and Benefits Provided to Undocumented Immigrants, the 2010 update of the Rider 59 Report.
- Exhibit 3: SFY11 Report on Services and Benefits Provided to Undocumented Immigrants, the 2013 update of the Rider 59 Report.
- Exhibit 4: SFY13 Report on Services and Benefits Provided to Undocumented Immigrants, the 2014 update of the Rider 59 Report.



- Exhibit 5: SFY15 Report on Services and Benefits Provided to Undocumented Immigrants, the 2017 update of the Rider 59 Report.

7. Each of the records attached to this declaration is kept by HHSC in the course of its regularly conducted activity, and it was HHSC's regular practice for an employee or representative of HHSC, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion, or diagnosis.

8. HHSC provides three principal categories of services and benefits to undocumented immigrants in Texas: (i) Texas Emergency Medicaid; (ii) the Texas Family Violence Program (FVP); and (iii) Texas Children's Health Insurance Program (CHIP) Perinatal Coverage. Undocumented immigrants also receive uncompensated medical care from public hospitals in the State.

9. Emergency Medicaid is a federally required program jointly funded by the federal government and the states. The program provides Medicaid coverage, limited to emergency medical conditions including childbirth and labor, to undocumented immigrants living in the United States. Because HHSC Medicaid claims data do not conclusively identify an individual's residency status, the portion of Emergency Medicaid payments attributable to undocumented immigrants must be estimated. The total estimated cost to the State for the provision of Emergency Medicaid services to undocumented immigrants residing in Texas was approximately \$80 million in SFY 2007, \$62 million in SFY 2009, \$71 million in SFY 2011, and \$90 million in SFY 2013; the estimate for SFY 2015 is \$73 million.

10. The Family Violence Program contracts with non-profit agencies across the State to provide essential services to family violence victims, including undocumented immigrants, in three categories: shelter centers,



non-residential centers, and Special Nonresidential Projects. Because the FVP does not ask individuals about their residency status, the portion of the FVP's expenditures attributable to undocumented immigrants must be estimated. The total estimated cost to the State for the provision of direct FVP services to undocumented immigrants residing in Texas was \$1.2 million in SFY 2007, \$1.3 million in SFY 2009, \$1.3 million in SFY 2011, and \$1.4 million in SFY 2013; the estimate for SFY 2015 is \$1.0 million.

11. Texas CHIP Perinatal Coverage provides prenatal care to certain low-income women who do not otherwise qualify for Medicaid. There is no way to definitively report the number of undocumented immigrants served by CHIP Perinatal Coverage because the program does not require citizenship documentation. CHIP Perinatal Coverage expenditures were not included in HHSC's original Rider 59 Report because a full year of program data was not available when the report was prepared. The total estimated cost to the State for CHIP Perinatal Coverage to undocumented immigrants residing in Texas was \$33 million in SFY 2009, \$35 million in SFY 2011, and \$38 million in SFY 2013; the estimate for SFY 2015 is \$30 million.

12. In the 2008 and 2010 versions of the Rider 59 Report, HHSC also provided estimates of the amount of uncompensated medical care provided by state public hospital district facilities to undocumented immigrants. In these reports, HHSC estimated that the State's public hospital district facilities incurred approximately \$596.8 million in uncompensated care for undocumented immigrants in SFY 2006 and \$716.8 million in SFY 2008. HHSC has not provided any estimates of uncompensated care for undocumented immigrants in more recent versions of the Rider 59 Report.

13. Based on my knowledge, expertise, and research regarding the provision of services and benefits to undocumented immigrants by HHSC, I



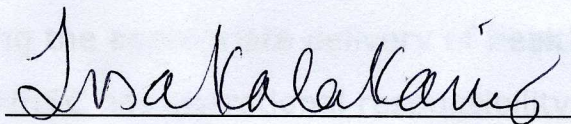
believe that the total costs to the State of providing such services and benefits to undocumented immigrants will continue to reflect trends to the extent that the number of undocumented immigrants residing in Texas increases or decreases each year.

14. CADS can produce an updated report on the cost of services and benefits provided by HHSC to undocumented immigrants in the State of Texas. Because of other CADS workload, including ongoing reporting on the impacts of COVID on Texas' vulnerable populations and demands associated with other litigation, as well as the ongoing legislative session, we estimate that it will take weeks to produce this report.

15. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4<sup>th</sup> day of February, 2021.

A handwritten signature in black ink, reading "Lisa Kalakanis", written over a horizontal line.

LISA KALAKANIS